

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE SALVADOR SOLIS,

Plaintiff,

v.

UNKNOWN et al.,

Defendants.

No. 2:23-cv-0247 DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983 for alleged violations of his civil rights. He initiated this action on February 9, 2023. (ECF No. 1.) Upon screening, the court dismissed the complaint for failure to state a cognizable claim, with leave to file an amended complaint. (ECF No. 7.) Plaintiff then filed a first amended complaint on April 17, 2023, which the court determined failed to state a cognizable claim. (ECF Nos. 10, 11.) It dismissed the complaint and granted plaintiff leave file a second amended complaint on or before June 22, 2023. (ECF No. 11.)

On June 30, 2023, plaintiff filed a request for clarification. (ECF No. 12.) In it, he states: “Why did you tell me that you don’t have a case under # 2:23-cv-00247-DB[,] what’s going on with my case?” (*Id.*) It is not clear when or in what context the court allegedly told plaintiff that he does not have an existing action under the instant docket number. The court will construe plaintiff’s request as seeking clarification regarding the court’s last order in this matter, in which

1 it dismissed the first amended complaint for failure to state a claim, with leave to file a second  
2 amended complaint.

3 The court is required to screen complaints brought by prisoners seeking relief against a  
4 governmental entity or an officer or employee of a governmental entity. See 28 U.S.C. §  
5 1915A(a). It must dismiss a complaint or portion thereof if the prisoner has raised claims that are  
6 legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or  
7 that seek monetary relief from a defendant who is immune from such relief. See 28 U.S.C. §  
8 1915A(b)(1) & (2). Pursuant to this requirement, the court reviewed plaintiff’s first amended  
9 complaint, determined that it failed to state a cognizable claim, and dismissed it. (ECF No. 11.)  
10 The court granted plaintiff thirty days to file a second amended complaint. (Id.)

11 Plaintiff must file a second amended complaint if he wishes to continue this action.  
12 Plaintiff is advised that failure to file a second amended complaint will result in a  
13 recommendation that this action be dismissed.

14 In accordance with the above, IT IS HEREBY ORDERED that:

- 15 1. Plaintiff’s request for clarification (ECF No. 12) is granted.
- 16 2. Plaintiff is granted thirty days from the date of this order in which to file a second  
17 amended complaint that complies with the requirements of the Civil Rights Act, the  
18 Federal Rules of Civil Procedure, and the Local Rules of Practice. The second  
19 amended complaint must bear the docket number assigned this case and must be  
20 labeled “Second Amended Complaint.”
- 21 3. Failure to file a second amended complaint in accordance with this order and the  
22 court’s May 24, 2023 order (ECF No. 11) will result in a recommendation that this  
23 action be dismissed.

24 Dated: July 26, 2023

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27   
28 DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

DB:15  
DB/DB Prisoner Inbox/Civil Rights/R/soli0247.clarification